

# U.S. Sanctions Relief for Sudan

July 5, 2017

The Trump Administration is expected to decide by July 12 whether to lift most of a 20-year-old [sanctions regime](#) against Sudan, continuing an Obama Administration strategy of conditional [engagement](#) with the country. By that date, Secretary of State Rex Tillerson must present an interagency report on Sudan's compliance with benchmarks negotiated between the Obama Administration and the government of President Omar al Bashir. Bashir came to power in a 1989 coup and is [wanted](#) by the International Criminal Court on charges of war crimes, crimes against humanity, and genocide.

Successive Administrations have debated the merits of sanctions and engagement proposals for U.S. policy toward [Sudan's authoritarian regime](#). Congress has actively shaped U.S. policy by enacting laws that contribute to the sanctions, which respond to Sudan's history of support for international terrorism and regional armed groups; pervasive human rights violations, particularly in the Darfur region; and debt arrears, among other factors. Some Members of Congress [expressed concern](#) with President Obama's decision to ease sanctions in January and have [urged](#) President Trump to carefully weigh further sanctions relief. More than 50 Members recently sent a [letter to the President](#) urging a delay in the decision.

President Obama's [Executive Order \(E.O.\) 13761](#) sought to provide Sudan with "[a clear path](#)" to sanctions relief, [waiving several congressional restrictions](#) and stipulating that the United States would revoke key restrictions in July if the Sudanese government "sustain[ed] positive actions" it had taken since mid-2016 on five tracks:

1. Rebuilding [counterterrorism cooperation](#)
2. Countering the threat of the [Lord's Resistance Army](#), a regional armed group
3. Ending "negative involvement" in [the conflict in South Sudan](#)
4. Sustaining a unilateral cessation of hostilities in [Darfur](#) and the states of South Kordofan and Blue Nile ("the Two Areas"), and
5. Improving humanitarian access throughout Sudan.

Based on the Obama Administration's [assessment of progress](#) in these areas, it granted [temporary relief](#) from U.S. trade sanctions and unfroze government assets in January. A new [General License](#) authorized commercial transactions that were prohibited under E.O. [13067](#) (1997) and [13412](#) (2006), except for those restricted due to Sudan's designation since 1993 as a State Sponsor of Terrorism (SST) or due to targeted Darfur-specific sanctions. The Departments of Commerce and the Treasury eased terms for issuing export licenses for agricultural commodities, medicines, and medical devices. Commerce also published a favorable licensing policy for exporting civil aircraft and railway parts. E.O. 13761 unblocked more than \$30 million in assets, although they may still be subject to lawsuits, including in relation to the Al Qaeda attack on the USS *Cole*, for which Sudan was [found liable](#).

Obama Administration officials [acknowledged](#) that more progress was needed and argued that their actions would position the Trump Administration to “engage productively with Sudan and to apply pressure as necessary” on human rights and political reforms. Supporters of this approach suggest the United States retains leverage with E.O. 13761, by which U.S. agencies could recommend “appropriate U.S. government responses” if progress is not sustained.

Sudan still seeks support for debt relief, prohibited by Congress in annual appropriations, and removal from the SST list. Trump Administration officials recently emphasized that the SST designation “[will remain](#).” Foreign aid remains restricted by the terrorism designation, annual appropriations, debt arrears, and designations under the Child Soldiers’ Prevention Act of 2008 and the International Religious Freedom Act of 1998. In addition, most Sudanese nationals are temporarily barred from entering the United States by President Trump’s [E.O. 13780](#).

Views on sanctions relief are mixed. Some observers see the trade sanctions as [counterproductive](#), arguing that they [adversely affect average Sudanese](#) more than the regime. Others suggest that [engagement](#), rather than isolation, may be more effective for encouraging reforms, and emphasize [the importance of Sudan’s counterterrorism cooperation](#) and its recent pivot away from Iran. Some experts who view the sanctions as a blunt instrument nevertheless [question the decision](#) to ease sanctions now, arguing that the Sudanese government’s domestic policies do not warrant a policy shift.

Critics of the Bashir regime and human rights advocates contend sanctions relief is [premature](#). Some question whether humanitarian access has sufficiently improved, highlighting ongoing restrictions on aid delivery to rebel-held areas. Others [question the Sudanese government’s commitment to peace](#) in Darfur, Blue Nile, and South Kordofan, noting that Khartoum declared its unilateral cease-fire after concluding a major military offensive that significantly reduced rebel capabilities. Amnesty International has raised [concerns](#) about Khartoum’s adherence to its cease-fire and accused Sudan of using chemical weapons in Darfur. The government continues to restrict peacekeepers’ movement in Darfur and did not grant visas to the U.N. Panel of Experts in 2016. Reporting from the conflict areas is scarce; the Obama Administration’s engagement plan did not require independent cease-fire monitoring.

Human Rights Watch, among others, has criticized the absence of a human rights component in the five-track plan, calling for a delay in the decision to lift sanctions and suggesting a series of [benchmarks for human rights improvements](#). The U.S. Commission on International Religious Freedom has called on President Trump to consider [deteriorating religious freedom conditions](#) in any decision. The Enough Project contends that “removing a central point of U.S. financial leverage undermines broader U.S. foreign policy interests,” and recommends a “[Human Rights and Peace](#)” track, linked to new sanctions.

Amid reports of [new fighting](#) in Darfur, [violence against civilians](#) by security forces, and little progress in addressing the root causes of conflict, peace in Sudan remains elusive. [Conflict analysis](#) suggests that the government remains “wedded to a military response to the conflict led by its militia.” There is no evidence of domestic reform; President Bashir’s regime endures after almost three decades in power.

Nevertheless, while the International Crisis Group [argues](#) lifting sanctions “would reward a regime that must do much more to improve governance and end its wars,” it suggests not lifting sanctions could have negative repercussions, particularly with respect to counterterrorism cooperation and humanitarian access. This dilemma presents the Trump Administration, and Congress, with imperfect choices as each considers policy options.

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